

QuickCards: an introduction to the Care Act 2014



The QuickCards form a series of short policy and practice prompts summarising the key operational points introduced by the Act

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QuickCards: an introduction to the Care Act 2014



The **Care Act 2014** introduces major reform in the way we deliver adult social care.

The QuickCards aim to ensure that practice is consistent and are designed to be easy to follow for staff at all levels.

They are not a substitute for reference to the Care Act or Care and Support Statutory Guidance, nor are they comprehensive procedures. They will help us work through the first months of operation of the Care Act and will result in tested and robust operational procedures.

Further QuickCards will be produced for the April 2016 Care Act changes once final statutory guidance is issued.

1.P Independent advocacy for those with substantial difficulty

Advocacy means supporting a person to understand information, express their needs and wishes, secure their rights, represent their interests and obtain the care and support they need. The requirement to provide independent advocacy applies equally to individuals requiring care or support and to carers with support needs.

Policy

Statutory advocacy duty is based on the principle of enabling everyone to be fully involved in the key decisions that shape their lives by providing extra help to those who need it most. It is different and distinct from general advocacy or campaign activity as it is totally focussed on the individual within the stated criteria.

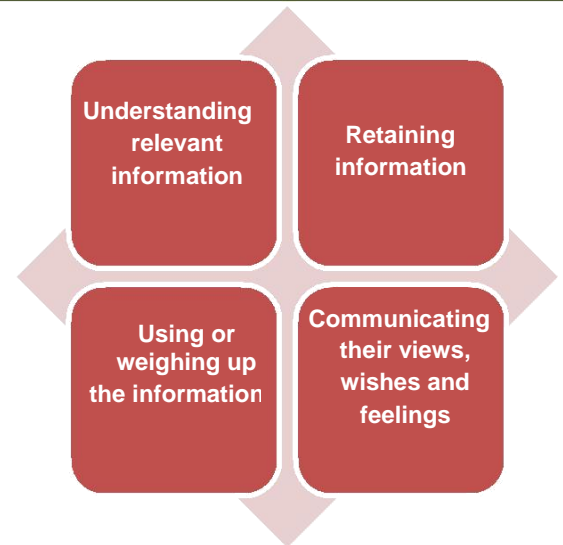
- Consider independent advocacy if the individual would have substantial difficulty understanding the process
- Consider the need for independent advocacy at first point of contact and throughout the process

When is advocacy needed?

Advocates may be needed during:

- initial information gathering
- assessment of needs
- safeguarding enquiries and reviews
- care planning, and care and support reviews

Stated criteria: To be able to access individual advocacy, a person must have substantial difficulty as set out below:



1. P Independent advocacy or use of an appropriate person

Appropriate person

An appropriate person may be used, if the individual wishes, instead of individual advocacy.

The appropriate person must be able to support the person's active involvement with the local authority processes. Examples of an appropriate person may include:

- Any carer (but not someone who is professionally engaged or remunerated for that individual)
- A family member
- An interpreter or specialist communicator to address language or other communications needs
- A friend who is available and shows understanding of the role

Advocacy provision (for those who do not have an appropriate person)

Advocacy provision is available for all adults and carers who meet the eligibility criteria, children in transition to adult social care, and applies to those living in their own homes, in care homes, NHS funded hospitals and prisons.

People who do not meet the advocacy criteria will be entitled to seek support from an independent advocate or an appropriate person if:

- They are placed in an NHS-funded hospital for more than four weeks or a care home for more than eight weeks
- There is disagreement between the local authority and the appropriate person and they both agree that an advocate would be beneficial

Link to NHS choices website:
www.nhs.uk

Further information: Sections 67 and 68 of the Care Act 2014; Chapter 7, Care and Support Statutory Guidance; Care and Support (Independent Advocacy) Regs 2014

1. P Independent advocacy - referrals

Referrals to independent advocates

The council has contracted Voiceability to provide advocacy service.

- **If you have a new referral for individual advocacy**, contact Voiceability on Tel: 0300 222 5948 or email haringeycareadvocacy@voiceability.org. Opening hours are Monday to Friday, 9am to 5pm.
- **Once referral is made and confirmed, record** the allocated advocacy details on the Mosaic.

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2. P Urgent need

This means that services may be provided without first undertaking a full assessment or financial assessment or making a determination of eligibility, and may be regardless of the individual's ordinary residence.

What is “urgent need”?

Circumstances under which needs could be classified as urgent might include, for example:

- people who are terminally ill
- rapid deterioration in an adult's condition (e.g. dementia)
- the occurrence of an accident
- a specific issue such as a stroke
- evidence of a safeguarding concern
- immediate unsafe living accommodation
- failure of an unregistered provider
- carer breakdown or carer admission to hospital in emergency

This applies equally to adults with care and support needs and to carers with support needs.

What should the local authority do?

- The local authority must provide an immediate response to meet care and support needs
- In some cases, the local authority will meet the adult's needs. In other cases, an immediate referral to another agency, such as health, may be more appropriate
- If a person who is temporarily away from the local authority in which they usually live requires urgent help, the temporary local authority has the powers to provide any kind of care and support. The local authorities concerned may come to an agreement about sharing or transferring the costs involved in meeting urgent needs

Link to NHS choices website
www.nhs.uk

Further information:

Section 19(3) and 20(6), Care Act 2014;
Chapters 5, 6 and Annex H1, Care & Support Statutory Guidance

Notes:

3.P.a Information and advice – Haricare

The Care Act places a statutory duty on councils to provide information and advice to the whole population that is both accessible and proportionate to the individual's needs.

Haricare: <http://haricare.haringey.gov.uk/>

This is Haringey Council's e-marketplace where anyone in the borough, either residents or professionals, can find out about products and services for adults who need care and support. It also has links to national websites containing useful information such as NHS Choices and Gov.uk.

Children and young people and their families can access information through the Family Information Service Directory (FISD): <http://fisd.haringey.gov.uk/>

Information and advice is available face to face from the one stop shop, libraries, leisure centres, council contact centres, GPs, local voluntary and community organisations. Care and support staff provide tailored information and advice as part of the assessment and review process.

3.P.a Information and advice

Information and advice is for all residents aged 18 and over, unpaid carers including young carers, people planning future care and their families, regardless of their ability to pay for care and support. The local authority should work with others at a local level to develop this information and advice.



Information and advice should be tailored to individual needs.

It should include:

- What types of care and support are available e.g. dementia care, befriending services, finding a personal assistant (PA), residential care
- The range of care and support services available to local people, i.e. which local providers offer certain types of services
- How people can get the care and support that is available
- Where people can find independent financial advice about care and support and help to access it
- How people can raise concerns about the safety or wellbeing of someone with care and support needs
- Preventative measures such as healthy eating, exercise and opportunities to get out and about

Link to NHS choices website
www.nhs.uk

Further information: Section 1, Care Act 2014; Chapter 3, Care and Support Statutory Guidance

3.P.b

Wellbeing

Assessment and eligibility is underpinned by the impact of an individual's or carer's needs on their wellbeing.

Personal dignity
(including
treatment of the
individual with
respect)

Physical and
mental health and
emotional
wellbeing

Protection from
abuse and neglect

Control by the
individual over
day-to-day life

Participation in
work, education,
training or
recreation

Social and
economic
wellbeing

Domestic, family
and personal
relationships

Suitability of living
accommodation

The individual's
contribution to
society

3.P.b Wellbeing

What is “wellbeing”?

Wellbeing is a broad concept but generally relates to the nine areas described above.

Essentially it is about how the individual feels about their life and the resilience they have to cope with their situation.

Key issues about wellbeing

- Wellbeing is very personal and by no means the same for everyone
- The impact of life events may impact very differently on people and may influence their wellbeing
- Some communities and individuals may have greater or lesser resilience for sustaining wellbeing

Key questions in assessing wellbeing

- Do people feel they have ways of coping
- Do they think things are changing for the better or becoming worse
- Are there friends/family they can rely on
- What are the things that could make a positive difference

Link to NHS choices website

www.nhs.uk

Further information: Section 4, Care Act 2014; Chapter 1, Care and Support Statutory Guidance

3.P.c Prevention

Prevention is not a single act or activity. It has many aspects and may change or develop over time. It is closely allied to good wellbeing. It is key in ensuring the assessment is centred on the needs of the individual and is appropriate and proportionate to their circumstances. A preventative approach should be taken from the point of initial contact onwards, and at all stages throughout someone's life and circumstances. Effective and early prevention prevents, reduces and delays more complex health risks, enhances quality of life and saves time and costs in the longer term.

Prevention has three main aims:

| Prevent | Reduce | Delay |
|---|---|---|
| People who may have no current or specific health or care and support needs | People with an increased risk of developing needs | People with established or complex health needs |

It's never too late for prevention and early help

It is important at any time in the information, assessment and reviewing process:

- promoting wellbeing e.g. access to universal services
- early intervention e.g. targeted support to provide a few hours of support to a carer, or adaptations at home to reduce the likelihood of falls
- intermediate care e.g. support to regain specific skills or to improve a carer's life
- aids and adaptations for supporting independent living

Information and advice

Easy access to good quality information and advice at the right time and in the right place is critical in helping individuals to prevent, delay or reduce the escalation or impact of care needs.

Example: The LinkAge [www.linkagebristol.org.uk] programme brings together older people who feel socially isolated and lonely. Evaluation showed a significant improvement on a friendship scale from very low to very or highly socially connected.

3.P.c Prevention

Prevention is effective only when individuals (**Me**), communities (**Us**) and public services (**You**) work together.

This promotes the strengths based approach to assessing needs and supporting people.

Prevention starts with the individual

- What do they want?
- What can they bring?

The community has a role to play

- What is available locally, from voluntary and community organisations, or from friends and neighbours?

Statutory services are the final link

- If more is needed, then what can the local authority or NHS do that the individual and the community cannot provide or manage?



Link to NHS choices website
www.nhs.uk

Further information:

Section 2, Care Act 2014
Chapter 3, Care and Support Statutory Guidance

4.P Assessment - overview

Local authorities must undertake an assessment of any adult who appears to have any level of need for care and support, or any carer with an appearance of need for support. This is regardless of whether or not the local authority thinks they have eligible needs.

A strengths-based assessment should identify:

- Care and support **needs** (described by the individual, their carers and other key individuals)
- What outcomes the individual is looking to achieve to maintain or improve their **wellbeing**
- What the individual can do to **support** the outcomes they seek to achieve
- How care and support might help in achieving those **outcomes**
- **A forward look** as far as possible, reflecting changing or fluctuating need, and planning accordingly

Assessments should be both appropriate and proportionate

Appropriate: “Suitable for a particular person, condition, occasion or place”

- Can be flexible and may include telephone, face to face and combined assessments or other methods
- Should be adjusted to the person’s communication needs
- Can include a pause to check the value of preventative services or interventions, or aids and adaptations
- Is not a snapshot – may be an assessment or series of assessments over a period of time (e.g. mental health)

Proportionate: “Correct or suitable in size, amount or degree for the needs and outcomes described”

- Ensures relevant underlying needs are explored and understood
- Is flexible. The breadth of the assessment is based on the individual’s needs and desired outcomes
- Ensures it has regard to the:
 - wishes and preferences of the individual
 - outcomes the individual seeks from the assessment
 - severity and overall extent of the individual’s needs

From the first point of contact, as much information as possible should be provided about the assessment process

4.P Assessment - individuals

An assessment must seek to establish the total extent of needs before the local authority considers the person's eligibility for care and support and what types of care and support can help to meet those needs.

The assessment should take a 'whole family approach', recognising personal, family and community resources or 'assets' that individuals can make use of:

- Taking an holistic view of a person's needs and relevant history
- Seeing the family, wider networks and activities as a source of support and prevention, where they are willing and able
- Considering the impact of needs on family and wider networks
- Considering the impact of the cared for person's needs on the young carer's wellbeing, welfare, education and development
- Considering whether a young carer's caring responsibilities are appropriate

Working with others

Many other people may have information, insight or assessments that could be used to give a more complete understanding of need:

- Health derived information, analysis or assessment
- Specialist assessment or advice (if required it must be sought)
- Housing/accommodation or community organisations
- Family and relevant 'others'
- Historical patterns of need or health/social care involvement
- Assessed or diagnosed medical conditions

Risk or safeguarding concerns should be explored and, where necessary, underpin the assessment and, in the case of safeguarding, be acted upon.

4.P Assessment - carers

Carers have the same rights to an assessment as individual adults. Local authorities have a duty to undertake an assessment of any carer who appears to have any level of need for support. This is regardless of whether or not the local authority thinks the carer has eligible needs.

A carer is

- Anyone who cares, unpaid, for a friend or family member who due to illness, disability, a mental health problem or an addiction cannot cope without their support.

There may be circumstances where the adult providing care, either under contract or through voluntary work, is also providing care for the adult outside of that. The local authority may then consider whether to carry out a carer's assessment for that part of the care they are not providing on a contractual or voluntary basis.

A carer's assessment must:

- Explore the carer's need for support
- Consider whether the carer is currently able to care for the adult needing care, and whether they will be able to continue caring
- Consider whether the carer is willing, and likely to continue to be willing, to provide care

This will allow local authorities to make a realistic evaluation of the carer's present and future needs for support and whether the caring relationship is sustainable.

Where appropriate these views may be sought in a separate conversation independent from the adult's needs assessment.

A carer's assessment must consider the impact on the carer's activities beyond their caring responsibilities, including the carer's:

- Desire and ability to work
- Opportunities to partake in education, training or recreational activities
- Opportunities to have time to themselves

Risk or safeguarding concerns should be explored and, where necessary, underpin the assessment and, in the case of safeguarding, be acted upon

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4.P Assessment - young carers

Where the local authority identifies a child or children as being involved in the provision of care it must:

- consider the impact of the needs of the cared for person on the child's wellbeing, welfare, education and development, and
- identify whether any of the tasks which the child is performing for the individual are inappropriate for the child to perform, having regard to all circumstances

If the cared for person is eligible, care and support should be provided in a way that deals with any young carer's needs. **The local authority must consider:**

- the need to refer the child or young person for a young carer's assessment under the Children Act 1989
- the extent to which caring responsibilities affect the young person's physical or emotional wellbeing
- impact on the young person's wellbeing, education and development
- whether the caring responsibilities of the young person are inappropriate

As part of the assessment, the local authority must take into account:

- the young person's views on their own capabilities
- the parenting responsibilities of the adult requiring care or support, alongside the impact their needs may have on the young carer

Inappropriate care tasks may include:

- strenuous physical exercise, lifting and handling
- personal care (for instance, bathing and managing toilet needs)
- routinely handling cash transactions and looking after the family budget
- providing emotional support
- stress, anxiety
- feeling responsible for parent
- not being 'parented'

Referral for a young carer's assessment should be made to: contact the **Haringey Young Carers project** on

Tel: 07971 308 891 - 9am and 5pm, Monday to Friday.

Link to NHS choices website
www.nhs.uk

Further information: Sections 9 to 13, Care Act 2014; Chapter 6, Care and Support Statutory Guidance; Care and Support (Assessment) Regs 2014; Care and Support (Eligibility Criteria) Regs 2014

5.P Eligibility for services

Eligibility is determined at the conclusion of an appropriate and proportionate assessment using national eligibility criteria. It refers to the needs of adults or carers with support needs, not to their financial resources or other circumstances.

The national eligibility framework (described overleaf) is designed to:

- ensure clarity and consistency around local authority determinations on eligibility
- set a minimum threshold for adult care and support needs and carer support needs which local authorities must meet
- identify where the provision of information, advice and preventative services can have the greatest impact
- help the individual or their carer to think about what support is available in the community or their own support network

Risk and fluctuating needs

Eligibility is based on assessment(s) sometimes from multiple sources of information. Eligibility decisions should carefully consider:

- risk to the individual or carer
- fluctuating needs which may be inherent in their assessed condition or their circumstances

Where the individual or their carer does have eligible needs:

- establish ordinary residence
- consider what support, in whatever form, could be provided
- initiate the financial assessment process*

Following the outcome of the eligibility determination the local authority must provide the person with a copy of the decision. If they are not considered eligible, the letter must explain the reasons for this decision.

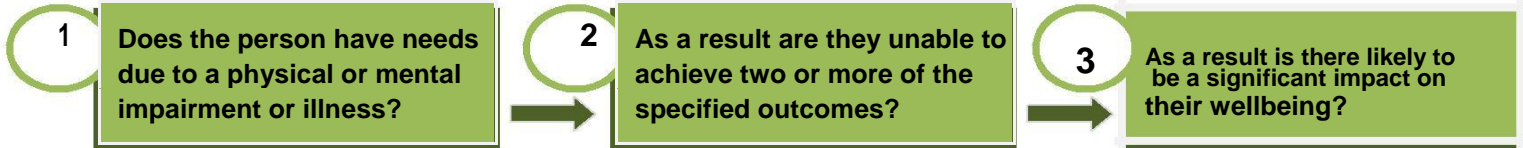
Adaptable letter templates have been developed for staff to use and are available on Share drive.

***The full financial assessment including verification will be carried out by the Financial Assessment Team**

5.P

Establishing eligibility – individuals

For an adult's needs to be considered eligible for support by the local authority they **must meet all three** of the criteria.



The adult is **unable to achieve two or more** of the specified **outcomes**:

- Manage and maintain nutrition
- Maintain personal hygiene
- Manage toilet needs
- Be appropriately clothed
- Be able to make use of the home safely
- Maintain a habitable home environment
- Develop and maintain family or other personal relationships
- Access and engage in work, training, education or volunteering
- Make use of necessary facilities or services in the local community, including public transport and recreational facilities or services
- Carry out any caring responsibilities the adult has for a child

We will also ask individuals about how they manage medication and the impact this may have on their condition.

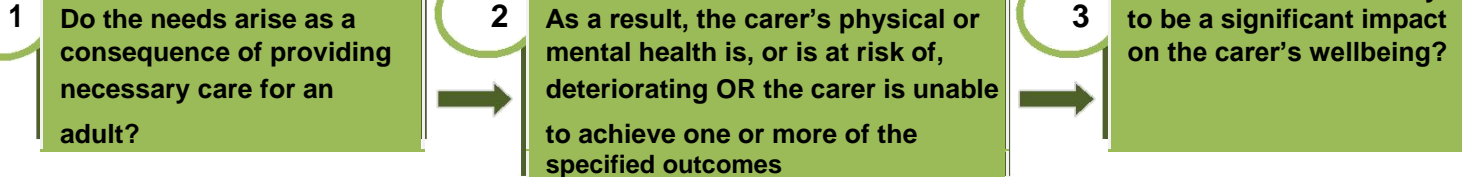
Guide to 'unable to achieve outcomes'

- Cannot do it without assistance
- May be able to do it without assistance but doing so causes the adult significant pain, distress or anxiety
- Can do it without assistance but doing so endangers or is likely to endanger the health of the adult, or of others
- Consideration should be given to fluctuating ability to achieve, or not achieve, the outcomes based on evaluation of the specific physical or mental impairment or illness

Any major risks to the individual should be considered, noted and taken into account in arriving at a determination of eligibility

5.P Eligibility criteria – carers including young carers

For a carer's needs to be considered eligible for support by the local authority they **must meet all three** of the criteria.



The carer is unable to achieve one or more of the specified outcomes:

- Carry out any caring responsibilities the carer has for a child
- Provide care to other persons for whom the carer provides care
- Maintain a habitable home environment in the carer's home, whether or not this is also the home for whom the carer provides care
- Manage and maintain nutrition
- Develop and maintain family or other personal relationships
- Engage in work, training, education or volunteering
- Make use of necessary facilities or services in the local community, including recreational facilities or services
- Engage in recreational activities

Guide to 'unable to achieve outcomes'

- Cannot do it without assistance
- Can do it without assistance but doing so causes the adult significant pain, distress or anxiety
- Can do it without assistance but doing so endangers or is likely to endanger the health of the adult, or of others
- Consideration should be given to fluctuating ability to achieve, or not achieve the outcomes based on evaluation of the specific physical or mental impairment or illness

Link to NHS choices website
www.nhs.uk

Further information: Sections 9 to 13, Care Act 2014; Chapter 6, Care and Support Statutory Guidance; Care and Support (Assessment) Regs 2014; Care and Support (Eligibility Criteria) Regs 2014

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6.P

Deferred payment agreements

All councils must have a deferred payment scheme which applies the national eligibility criteria for adult social care. Deferred payment agreements are designed to prevent people from being forced to sell their home in their lifetime to meet the cost of their care. Local authorities must offer them to people who meet the criteria for the deferred payment scheme and who are able to provide adequate security.

An individual is eligible to enter into a deferred payment agreement if:

- their care and support needs are to be met in a permanent placement in a care or nursing home
- they – or their representative – has capacity to make the decision, has savings of less than £23,250 and a property of which they have all or part ownership

The deferred payment agreement means:

- individuals entering a permanent care home setting will not be required to sell their home in their lifetime to pay for their care and support costs
- deferral of the costs of residential care represents a loan against the property
- both the individual and the council enter into a legal agreement which will be legally enforceable

The council must:

- apply the national eligibility criteria on entitlement to a deferred payment agreement
- provide information and advice to anyone entering a care home and their family about the option of deferred payment agreement and how it works
- only enter into a deferred payment agreement when the individual or their representative has been provided with or sought information and advice from a financial adviser or an independent organisation

The council is allowed to:

- charge interest and administrative fees
- exercise discretion regarding the offering of and the amounts that can be deferred against the property
- refuse to offer a deferred payment agreement in certain circumstances even though the individual may meet the eligibility criteria

6.P Deferred payment agreements

If an adult does not meet the national eligibility criteria for the deferred payment scheme, the council can exercise discretion in some circumstances if offering a deferred payment agreement would act in the interest of the person and the council. These circumstances include:

- the person entering a care home narrowly exceeds the upper capital limit and they are likely to fall below the threshold in a short period of time
- the person must meet their costs through other assets but this will leave them with few or no accessible assets

When a person no longer requires a care home or deferred payment agreement:

- The deferred payment agreement is terminated
- The council's debt is paid when the property is sold or there is a cash settlement

Deferred payment agreements are arranged through the council's financial assessment team as part of the financial assessment following determination of eligibility for care and support

Link to NHS choices website:
www.nhs.uk

Further information: Section 34 to 36, Care Act 2014; Chapter 9, Care and Support Statutory Guidance; Care and Support (Deferred Payments) Regulations 2014; Care and Support Hub

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Contact

Care Act Team

Email: Thecareact@haringey.gov.uk

Please contact the Care Act Programme Team if you require further information about the Care Act or if you have any comments or proposed changes to the QuickCards.